

## **REMARKS**

The Office Action dated February 21, 2006 has been received and carefully noted. The following remarks are submitted as a full, complete, and timely response thereto. Claims 1-3 and 5 are pending and claim 3 has been indicated as allowed.

Claims 1-2 and 5 stand rejected under 35 U.S.C. 102(e) as being unpatentable over *Schwartz* (U.S. Patent No. 6,434,115). The Office Action took the position that *Schwartz* teaches each and every limitation recited in claims 1-2 and 5. Applicants traverse the rejection and respectfully submit that *Schwartz* fails to teach each and every element recited in the rejected claims.

Claim 1, upon which claims 2 and 5 depend, recites a method for managing congestion in a network switch, said method comprising the steps of receiving an incoming packet on a first port of a network switch for transmission to a destination port, wherein said network switch is one of a plurality of network switches configured in a stack, determining if said destination port is a monitored port, determining a queue status of said destination port, if said destination port is determined to be a monitored port, and prescheduling transmission of said incoming packet to said destination port if said destination port is determined to be a monitored port, wherein the step of prescheduling transmission comprises dropping said incoming packet only when the queue status of the destination port indicates that a queue for the destination port is full, and wherein the network switches in the stack are connected through high performance interconnect links

and the method further comprises stripping a module header from packets received via the high performance interconnect links.

*Schwartz* is directed to a system and method for switching packets in a network. The system and method of *Schwartz* includes switching node for transferring packets, a plurality of input port modules, a plurality of output port modules, a switching fabric, a packet meta-data processor, and a packet switch. Each input port module is connected to a communication link for receiving packets, and each output port module is connected to a communication link for transmitting packets. The input port modules operate to receive and buffer packets to generate a meta-data packet that identifies the specific output port module for the packet, and this information is then passed on to the packet meta-data processor, which receives the packets and determines if the packet should be passed or dropped based upon the packet and the operational status or buffer status of the output port modules. When the output port module receives a packet that is to be passed, the output port module transmits the packet over the communication link.

Applicants submit that *Schwartz* fails to teach or disclose each and every element recited in claim 1. More particularly, claim 1 recites the step of determining if the destination port is a monitored port. Although *Schwartz* teaches monitoring the output ports to determine if the associated buffers are full at column 11 to column 13 (as cited by the Office Action), *Schwartz* does not teach or disclose making a determination as to whether a particular port is monitored or not, as recited in Applicants claim 1. Further, although *Schwartz* teaches monitoring ports, in order for *Schwartz* to properly support a

§102 rejection, *Schwartz* must expressly disclose “determining if a destination port is a monitored port,” as recited in Applicants’ claim 1. Monitoring ports is distinct from determining if a port is monitored, as evidenced by Applicants’ independent claim 1, which recites both determining if a port is monitored and determining a queue status for a port (monitoring the port). Therefore, Applicants submit that *Schwartz* fails to teach or disclose each and every element recited in Applicants’ independent claim 1. As such, reconsideration and withdrawal of the rejection of claim 1, along with dependent claims 2-3 and 5, is respectfully requested.

Further, Applicants submit that *Schwartz* further fails to teach or disclose stripping a module header from packets received via a high performance interconnect link, as recited in claim 1. The Office Action cites to column 23, lines 60-61 as teaching this feature, however, careful review of this section does not support this conclusion. The cited section simply deals with the high traffic capacity of the switch, and not with any sort of header stripping operation. As such, Applicants submit that *Schwartz* fails to teach or disclose each and every element recited in Applicants’ independent claim 1. Reconsideration of the rejection of claim 1, along with dependent claims 2-3 and 5, is respectfully requested.

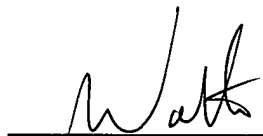
In conclusion, Applicants submit that *Schwartz* fails to teach or disclose the recited steps of determining a monitored port and stripping a header from a packet received from a high performance interconnect link. As such, Applicants submit that the

§102 rejection is not proper and respectfully request reconsideration and withdrawal of the rejection. Claims 1-3 and 5 are pending and submitted for consideration.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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N. Alexander Nolte  
Registration No. 45,689

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Tysons Corner, Virginia 22182-2700  
Telephone: 703-720-7800  
Fax: 703-720-7802

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